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Report of the Joint Inspection Unit on the review of management and administration in the Registry of the International Court of Justice

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice" (JIU/REP/2000/8).

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JIU/REP/2000/8

REVIEW OF MANAGEMENT AND ADMINISTRATION IN THE REGISTRY OF THE INTERNATIONAL COURT OF JUSTICE

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ACRONYMS

BAC	Budgetary and Administrative Committee
EDP	Electronic Data Processing
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the Former Yugoslavia
JIU	Joint Inspection Unit
NATO	North Atlantic Treaty Organization
ODS	Optical Disk System
OHRM	Office of Human Resources Management
OIOS	Office of Internal Oversight Services
OPCW	Organization for the Prohibition of Chemical Weapons
UNAT	United Nations Administrative Tribunal

EXECUTIVE SUMMARY: OBJECTIVE, CONCLUSIONS AND RECOMMENDATIONS

Objective:
To assist the International Court of Justice (ICJ) in finding ways of further enhancing the effiency and effectiveness of the support provided to it by its Registry.

CONCLUSIONS

A. The International Court of Justice (ICJ), consisting of fifteen members, is the principal judicial organ of the United Nations. In terms of budget and staff, the Court and its Registry is a small part of the United Nations: about US$10 million per year; 26 Professional and 32 General Service staff (paras. 1, 36).

B. The Registry of the Court, which is intended to provide necessary support for the judges, was designed for an era when the Court had few cases on its docket; while important steps have been taken, significantly more is still required in updating its structure and operating mode to meet current requirements (paras. 5, 12, 15).

C. The ICJ has experienced over the past several years a significantly expanded workload, as a result of the increase in the number and the voluminous nature of cases, at a time when its human and financial resources have been adversely affected by the budgetary restrictions applied throughout the United Nations (paras. 10-12).

D. Compounding this difficult situation, a "malaise" prevailed in the working atmosphere of the Registry for an extended period with a negative impact on its functioning. Nevertheless, the necessary work of the Registry in support of the Court was still performed (paras. 37-38).

E. Notwithstanding the increase in the Court's budget approved for the biennium 2000-2001, the General Assembly at its fifty-fourth session noted with concern that the resources proposed for the ICJ were not proportionate to the workload envisaged; it requested the Secretary-General to propose resources in the programme budget for 2002-2003 commensurate with the Court's needs for dealing with its increased workload and the large backlog in the printing of certain of its documents[1] (para. 4).

F. In addition to a shortage of staff and funds, the Court is also experiencing institutional and administrative problems in the Registry which need attention (paras. 4, 15, 37).

G. The judges of the Court, unlike those of other international courts and some high national courts, have no clerks or interns, and little personal legal assistance; the legal staff of the Court's Registry is small and devoted to assisting the Court as a whole (para. 15).

H. Currently, the Registrar and Deputy-Registrar are each elected by the Court for a seven-year term of office, renewable,[2] and each may be removed from office only if two-thirds of the Members of the Court believe he/she has become permanently incapacitated from exercising his/her functions, or has committed a serious breach of his/her duties[3] (paras 40, 44, 46, 50).

I. The long terms of office for these key officials of the Registry, especially in view of the restricted grounds for their removal, could compromise the effectiveness of the Court for prolonged periods in the event that the performance of a selected candidate is not satisfactory (para. 45).

J. The fact that the Deputy-Registrar is elected by the Court in the same manner as the Registrar is a prescription for difficulty since this gives the Deputy-Registrar independence from the Registrar, which can result in a lack of necessary cooperation between the two (para. 50).

K. It is unrealistic to presume that the Registrar can be the high-quality international lawyer required to assist the Court and also handle the administration and personnel needs of the Registry without the assistance of a senior-level administrative/personnel officer (para. 42).

L. The personnel practices and procedures in the Registry need attention: At the time of the JIU inspection, there were questions among the staff about the use of objective and comparative recruitment procedures. The staff questioned the objectivity of criteria for promotions. It also needs to be mentioned that: (i) there was no performance appraisal system in use; (ii) posts in the Registry were not professionally classified and certified; (iii) adequate job descriptions did not exist for all staff positions; (iv) staff were not adequately informed about their rights in cases of harassment; (v) problems existed regarding compensation for overtime; (vi) the administration of sick leave was uncertain; and (vii) the staff of the Registry did not have prompt access to the amended provisions of the United Nations Staff Regulations and Rules applicable to the Registry (paras. 80-86).

M. In December 1997, the Court, on the basis of the recommendations of its Sub-Committee on Rationalization, took a number of important decisions in order to rationalize the structure and working procedures of the Registry. At the time of the JIU inspection, implementation

[1] "Questions concerning the proposed programme budget for the biennium 2000-2001", resolution 54/249 adopted by the General Assembly on 23 December 1999, para. 89.

[2] The Rules of Court, Arts. 22 and 23.

[3] Ibid., Art. 29.

of these decisions had not been completed. A follow-up analysis on the status of implementation would be helpful (paras. 26-33).

N. Despite some staff increases approved in the Court's budget for 2000-2001, the Department of Linguistic Matters needs still further strengthening (paras. 53-56).

O. The potential for making effective use of common services with the OPCW and ICTY is extremely limited, but it would be useful more proactively to seek cooperation among the organizations with regard to certain administrative problems, in such areas as procurement, medical services, security, information exchange, as well as relations with the host country (para. 88).

RECOMMENDATIONS

1. Research Assistants for the Judges

The Court may wish to include in the ICJ budget for the 2002-2003 biennium three posts of junior-level law clerks, or research assistants, to constitute a pool within the Department of Legal Matters for performing research at the request of individual judges. They should be selected by the Registrar for one- to two-year terms (paras. 14-15).

2. Follow-up on Rationalization Decisions

The Court may wish to request its Budgetary and Administrative Committee to report to the full Court on the status of the implementation of its decisions taken in December 1997 pursuant to the report of the Sub-Committee on Rationalization (paras. 32-33).

3. Registrar: Term of Office

The Court may wish to consider amending the Rules of Court so that the term of office of the Registrar is reduced to three years, with the expectation that it would be renewed, subject to performance approved by the Court (paras 40, 44-45).

4. Deputy Registrar: Appointment and Term of Office

The Court may wish to consider (a) amending Article 23 of the Rules of Court so that the Deputy Registrar is appointed by the Court in consultation with the Registrar, in order better to enhance cooperation between the two and (b) consistent with doing this, appropriately amend Article 29.3 of the Rules of Court regarding removal from office of the Deputy Registrar (paras. 46, 50).

5. Increased Staff Resources for Translation

The need for increased staff resources in the Division of Linguistic Matters should be addressed by the Court by requesting at least four new positions in the ICJ budget for the 2002-2003 biennium (paras. 53-55).

6. Personnel Practices and Procedures

The Court may wish to consider establishing more consistent, fair and transparent management of personnel by ensuring that its practices and procedures are more aligned with the relevant staff regulations and rules of the United Nations Secretariat. In particular:

(a) Recruitment should be based on objective evaluations of candidates, viewed comparatively (paras 80-81);

(b) Promotion should be based on objective and publicized criteria (paras. 80-81);

(c) A performance appraisal system should be introduced (para 83);

(d) Each post of the Registry should be professionally classified and certified (para 85);

(e) Updated job descriptions for all posts should exist (para 84);

(f) Administrative instructions prohibiting any form of harassment of staff should be issued (para 86);

(g) A system of compensation for overtime work should be established, drawing on the United Nations procedures as appropriate (para 86);

(h) A system of sick leave administration should be established, drawing on the United Nations procedures as appropriate (para 84);

(i) Copies of amended United Nations Staff Regulations and Rules applicable to the Registry should be distributed to all Registry staff (para 86).

7. Senior Administrative/Personnel Officer

The Court may wish to consider, as a matter of priority, the possibility of having in the Registry a Senior Administrative/Personnel Officer to assist the Registrar in dealing with staff management and staff administration, as well as to provide necessary administrative support for the Judges (para. 87).

8. Cooperation/Coordination with OPCW and ICTY

The Court may wish to direct the Registrar to meet more regularly with his/her counterparts in OPCW and ICTY to exchange views and experiences regarding common administrative problems and relations with the host country, and to clarify possibilities for more cooperation and coordination (para 88).

I. INTRODUCTION

1. The Charter of the United Nations established the International Court of Justice, consisting of fifteen members, as "the principal judicial organ of the United Nations".[4] As such, the Court, "in conformity with the principles of justice and international law...,"[5] has been contributing to the peaceful settlement of international disputes. Since its inception in 1946, the Court has provided the most authoritative interpretations of the legal obligations of States in dispute before it, with regard to the different fields of international law, including the Charter of the United Nations.

2. While enjoying judicial and administrative autonomy, the Court, however, is dependent on and accountable to the General Assembly for the use of financial resources made available to it.[6] It is subject to review by the United Nations external oversight bodies: Board of Auditors and Joint Inspection Unit (JIU). It may also be audited by the Office of Internal Oversight Services (OIOS) to the extent mandated by the United Nations General Assembly.

3. Over the last three years, the Court, in its annual reports and in the statements of its President to the General Assembly, has focussed on what it considers to be its insufficient funding, which, given an ever-increasing workload, it believes has a bearing on the Court's rate of productivity. As the ICJ President has put it, "inadequacy of resources is one cause of delay when there is delay".

4. If the Court is to operate as the Charter provides, it must, obviously, be accorded adequate resources. The Inspectors observe that, following the support lent to the Court by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization,[7] and ACABQ, the General Assembly approved a modest increase of resources in the ICJ budget for the 2000-2001 biennium.[8]

5. However, in addition to increasing the Court's resources, there are other ways of enhancing the effectiveness and efficiency of the Registry. It should be noted that since 1997, the Court has taken a series of measures, some of which were based on the recommendations of its Rules Committee and designed to both accelerate and streamline the Court's procedures, while others were intended to rationalize the methods of work of the Registry. The latter set of measures is based on the recommendations made by the Sub-Committee on Rationalization, which the Court created in 1996.

6. The present report was first taken up by the JIU following the ICJ's response of 3 February 1997 to the Unit's letter dated 31 January 1997 inviting suggestions of topics to be considered for inclusion in its 1997-1998 work programme. Actual work on the report began in September 1999 after a series of consultations between the Unit and the then ICJ President. The report builds upon and broadens the implementation of the above-mentioned important rationalization measures being taken by the Court, with particular focus on the managerial, administrative and financial practices of the Registry.

7. In the course of its preparation, the Inspectors interviewed more than twenty staff of the Registry. They also had an exchange of views with the United Nations Deputy Secretary-General, Under-Secretary-General for Legal Affairs, Assistant Secretary-General for OHRM and senior officials of OIOS. At The Hague, the Inspectors had contacts with high officials of ICTY, OPCW and the Carnegie Foundation, as well as with representatives of the Foreign Ministry of the host country.

8. During their visit to the Court, the Inspectors appreciated being received at a meeting of the Budgetary and Administrative Committee. They also had very useful individual discussions with the majority of judges as well as with Sir Robert Yewdal Jennings, a former president of the Court. The Inspectors are very grateful to all of these for their constructive ideas and information provided.

9. The present report contains an analysis of the situation with regard to the management and administration of the Registry as it existed at the time of the JIU inspection, i.e. in November 1999. Any subsequent measures taken in order to improve that situation do not, therefore, fall within the scope of the report.

10. The recommendations of the report are addressed to the Court, in view of its administrative independence. The report is nevertheless submitted to the United Nations General Assembly for information purposes in view of the financial implications of some of the recommendations.

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[4] UN Charter, Art. 92.

[5] Ibid., Art. 1.

[6] "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." (Statute of the International Court of Justice, Art. 33)

[7] See doc. A/54/33.

[8] See General Assembly resolution 54/108 of 11 November 1999.

II. INCREASING WORKLOAD AND THE COURT'S EFFORTS TO COPE WITH IT

A. THE COURT'S CURRENT WORKLOAD AND RESOURCES

11. Recently, the ICJ has experienced a significant growth in its workload. Since the establishment of the Court in 1946 until the end of 1999, the total number of contentious cases dealt with by the Court amounted to 97, and 23 advisory opinions had been requested. However, during only the period 1997-1999, 21 cases were submitted and one request for a consultative opinion. While in the 1960s, 1970s and 1980s, the Court had only a few cases at a time on its docket, at the time of the JIU inspection twenty-four cases, at various stages of the procedure, were pending.

12. Resort by litigant states to requests for indication of provisional measures represents an additional workload for the Court. Such requests take precedence over all other judicial business, and the Court deals with them while other cases are in progress. This requires that the Court deal with more than one case at a time, rather than taking up cases successively. Moreover, the workload of the Court is significantly increased by the frequent recourse of States parties before the Court to preliminary objections, whether these concern the Court's jurisdiction to entertain the case or the admissibility of the application.

13. If the Court is now far busier than ever before, it is also noteworthy that (a) the range of issues raised before the Court increasingly includes questions related to major international crises and (b) the diversity of States using the Court is much greater. The observations submitted by Member States in response to the invitation contained in General Assembly resolution 52/161 reflect their satisfaction that States are increasingly willing to resort to judicial mechanisms to resolve their differences, and that greater involvement by the Court in settling disputes helps to maintain international peace and security and to strengthen international law. On the other hand, it has been observed that the Court proceedings are long. As mentioned in para. 5 above, since 1997, the Rules Committee and the full Court have taken a series of measures to speed up proceedings. These, however, are often affected by extremely lengthy time limits fixed by States for the filing of written pleadings.

14. The problems of the pace at which the Court can process cases involve States as well as the Court. In accordance with the Charter, States are responsible for providing the Court with the minimum resources it needs. The support for the Court was designed essentially for an era when the Court had only a few cases on its docket and the growth in its resources has not been proportional to that of its workload. The Court's capacity to deliver judgements and opinions expeditiously is, obviously, constrained by the extent of its funding, which means that "unless adjustments are made, the effectiveness of this United Nations principal organ could be seriously affected".[9]

15. The Members of the Court need assistance for handling the increased workload. In a recent case, for example, one of the parties presented nearly 5,600 pages of pleadings and documents, and the other more than 2,000 pages. Such a volume is extremely difficult to process without assistance.

16. The provision of junior-level law clerks to assist the judges is needed (see **Recommendation 1**). They would assist the judges in doing the research required for each case, by helping them to organize and sift through the enormous number of documents that must be examined. They should be selected by the Registrar for one- to two-year terms, and constitute a pool to be drawn on by the judges, as needed.

17. The Court's difficulties in coping with its current workload are due not only to a shortage of staff and funds. There are steps that the Court can take within the constraints of its current resources to accelerate its proceedings. In fact, in its response to General Assembly resolution 52/161, the Court reported on the initiatives it had taken in order to: (a) simplify the processing of the cases; (b) limit the volume of pleadings; and (c) enhance the efficiency of the Registry.[10]

18. In order for the Court to be able to decide cases submitted to it by States in an expedited manner, the Court charged its Rules Committee to find ways of accelerating the production of judgments without impairing their quality. Following deliberations on the results of the work of the Rules Committee, the Court decided upon a number of changes to its working practices. First, the Court decided to discontinue in certain cases concerning preliminary objections to jurisdiction and admissibility, the longstanding practice of preparation and subsequent translation of Judges' notes. Second, as it has become customary in recent years to provide voluminous annexes to pleadings, for which translation is both expensive and time consuming, the Court has appealed to parties to cases to attach only annexes that are strictly needed, and to supply translations of them when available. It should also be observed that the Court has revised certain provisions of its Rules relating to preliminary objections and counter-claims, and that the Rules Committee is exploring other ways in which proceedings could be simplified and speeded up.

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[9] Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, General Assembly Official Records. Fifty-fourth session. Supplement No. 33 (A/54/33, para.117).

[10] See (A/53/326).

B. IMPROVING FINANCIAL AND ADMINISTRATIVE PRACTICES

1. Managerial responsibilities of the judges

19. The Court also decided on a series of related and consequential changes in administrative and internal practices.

20. It may be argued that ICJ judges are not elected to play a management role and they are not necessarily expected to be qualified in administrative matters. It needs to be emphasized, however, that while States are responsible for providing the Court with resources, it is the Court which, as an independent principal organ of the United Nations, is exclusively responsible for the efficient management of these resources. It may also be added that judges, elected to the Presidency of the Court, are specifically mandated by Article 12 of the Rules of Court[11] to supervise the administration of the Court.

21. For a judge serving as President, a significant part of his/her time must be spent on supervision of the administration of the Court (writing numerous memoranda; signing financial documents, such as travel expenses for judges of the Court and compensation for ad hoc judges; holding regular and frequent discussions with the Registrar and other staff). Neither the Vice-President nor any other member of the Court is involved in this specific supervisory responsibility, except when acting as President.

22. Nevertheless, it is noteworthy that the judges, even when not serving as President, do become involved in management of the Court, inter alia, through the numerous deliberations of the full Court on budgetary and administrative matters and their participation in the work of different standing or ad hoc committees.

2. Budgetary and Administrative Committee

23. The Budgetary and Administrative Committee (BAC) is one such committee. The functioning of the BAC is addressed in this report because of its direct impact on the Registry due to the nature of the Committee's responsibilities. It is responsible for preparing the Court's decisions on budgetary and administrative matters. Meeting about eight times a year for periods varying considerably in length, the BAC examines the budgetary estimates and other financial documents prepared by the Registry. It considers problems relating to judges' salaries and pensions, deals with a wide range of administrative questions, including staff matters, such as nominations of new staff who are to be approved by the Court, and addresses issues of facilities. The BAC also has to deal with relations with the Host State as regards privileges and immunities.

24. The judges generally agree that it is neither for the BAC nor for the full Court to scrutinize in detail the administration of the Registry. However, since the Registry is intended to enable the Court to carry out its task, the judges have a collective responsibility for how the Registry is organized and how it is functioning.

25. It is worth mentioning that BAC, although being a standing committee, has no official terms of reference. Neither has it any rules of procedure. In this regard, it is not clear to all what exactly the Committee's role is and whether it is being properly performed. For example, there is question whether BAC should control or monitor ICJ expenses or confine itself to discussing the draft budget and to establishing budget priorities.

26. Preparation and distribution of minutes, which would reflect the issues addressed, documents submitted and decisions taken at BAC meetings, should become a regular practice. This would allow the avoidance of instances of disagreement with regard to the discussions held at its previous meetings.

3. Sub-Committee on Rationalization and the Court's decisions on its report

27. In an attempt to prevent the budgetary constraints on the Registry from obstructing its judicial work, while at the same time seeking to bring about an improvement in the Registry's working methods in the light of those constraints, the Court established the Sub-Committee on Rationalization (February 1996). It was charged in particular to examine the different jobs being done by the Registry staff and to seek for ways in which to arrive at an optimal rationalization of the work entrusted to the Registry. To cope with this task, the Sub-Committee held a series of interviews with the full staff of each department or technical division of the Registry, having invited the Registrar and the Deputy-Registrar to participate in those meetings.

28. One of the Sub-Committee's concerns was to make the judges more resource conscious in adopting the Court's schedule of work, while rationalizing the Registry's structure through an improved division of labour (e.g. through shifting responsibilities from the top to the second tier of the Registry) and implementation of explicit management principles.

29. Following an in-depth analysis of the situation in the Registry, the Sub-Committee reached a number of conclusions, partly of a general managerial character, partly of an organizational one. Among the main general conclusions, two stand out: (a) in order to obtain better performance from the departments and technical divisions, their staff needed, more than ever, to be actively managed by the Registrar and Deputy Registrar and to be supported by them in the performance of their duties; and (b) the Registrar and Deputy Registrar must, at all times, dispose of all the necessary information on the progress of work in the Registry and they must both have access to all such information.

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[11] "The President ... shall direct the work and supervise the administration of the Court."

30. Virtually all of the reforms suggested by the Sub-Committee were adopted by the Court's decision of 3 December 1997. This decision represented a broad consensus of views among the Members of the Court on the role of the Court in administering the Registry. By its decision, however, the Court did not vest the Sub-Committee with follow-up responsibility for implementation of the adopted reforms. While the reforms of a general nature and their implementation are dealt with in this section of the report, specific recommendations and their implementation are discussed in parts devoted to those departments and divisions to which they relate.

31. Decisions of a general (non-judicial) nature taken by the Court on the basis of the recommendations submitted by the Sub-Committee on Rationalization stipulate that:

"(a) Before a decision is adopted by or on behalf of the Court, the financial implications of such decision as reported by the Registrar, shall be taken into consideration.

(b) When a draft budget is being drawn up, the Court shall not put itself into a position in which it might be reproached for not having asked what it needs in order to operate normally. Any draft budget proposals shall take into consideration the real needs of the Court.

(c) The Registrar shall inform the judges on a regular basis (i.e. every four months) of the status of the budgetary accounts.

With respect to translations, this information shall specify, separately, for each case pending before the Court, the amounts already spent and the amounts allocated as well as how far the translations have progressed.

(d) The Working Group on Computerization is given the status of a permanent committee of the Court specifically in charge of determining the general policy to be followed, taking into account the needs of each department and technical division, including access to the Internet and the use of electronic mail. This Committee will remain open to all those interested.

(e) The Committee on Relations is invited to hold more regular meetings in order to follow closely the activities of the Department of Press and Information Matters and to propose to the Court the policy to be followed.

The same shall hold good for the Library Committee in respect of the activities of the Library of the Court.

(f) The Registrar/Deputy-Registrar shall pay particular attention to the coordination of the activities of the different departments and divisions. To that end, among other measures, there shall be regular meetings between the Registrar/Deputy-Registrar and the heads of departments and divisions (on a monthly basis at least).

(g) While the Registrar is responsible to the Court for the running of the Registry, the heads of departments and divisions shall exercise under the control of the Registrar the necessary functions and responsibilities for the organization and distribution of work in their respective departments and divisions.[12]

They shall also be consulted prior to the employment of staff members who are to be assigned to their department or division or on the occasion of a promotion or a renewal or extension of contract.

The relations between the Registrar/Deputy-Registrar and the heads of departments or divisions shall, as the relations among the staff members of the Registry in general, be characterized by mutual respect and confidence.

(h) The Deputy-Registrar, whose duty is to assist the Registrar and to act as Registrar in the latter's absence, shall be given by the Registrar additional clearly defined functions of an operational character.

(i) Apart from his/her habitual functions, each member of the Registry staff shall be liable - in the light of the personnel situation - to be called upon to exercise any other function at the request of the Registrar/Deputy-Registrar after consultation with the head of the department/division in which he/she is employed.

(j) There shall be transparency as to the handling of overtime of staff members who are entitled to claim compensation. The current practice shall be clarified. This matter is to be taken up by the Budgetary and Administrative Committee.

(k) It is essential that new and more modern equipment (including the most up-to-date fax and/or photocopying machines) be installed in the near future in certain technical divisions. By the same token, the departments and divisions of the Registry are to be provided with computers/software that are compatible with each other. This issue shall be taken up by the Committee on Computerization."

(a) Significance of the Court's decisions

32. The recommendations of the Sub-Committee on Rationalization and the above decisions of the Court have played an extremely important role in the functioning of the Court and the Registry. In particular, the Court's decisions had the following effects:

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[12] In this context the President remarked that contractual commitments had to be kept.

- They made the judges more conscious of the budgetary implications of the schedules of work adopted by the Court.

- There was acceptance of the idea that administration is an issue for all judges.

- Chiefs of departments and offices were given managerial responsibilities and authority similar to those attributed to line managers in most United Nations system organizations.

- They gave assurance to the staff that a system of checks and balances regarding administrative and personnel matters had begun to develop in the Registry.

- More transparency was introduced into the work of the Registry.

(b) Implementation of the Court's decisions

33. During the discussions held with the Inspectors on the above decisions, judges, in their capacity as BAC members and in their personal capacity, recognized that while the organizational decisions - for example concerning the reorganization of the Finance Department - had been implemented, the Court's decisions on other recommendations of the Sub-Committee had not been implemented completely. Information on the status of the budgetary accounts had not been provided to the Court as regularly as decided and meetings of the Registrar with the heads of departments and divisions had not been as regular as decided by the Court. With regard to establishing an atmosphere of cooperation, mutual respect and confidence within the Registry, no progress had been made and there was a continuation of the "malaise" which had reigned for a number of years. Neither had there been any progress in resolving the problem of overtime compensation, and the BAC had not yet addressed this matter.

34. The Inspectors are of the opinion that the Sub-Committee on Rationalization, rather than the Registrar, should have been entrusted with follow-up on the Court's decisions, and it should have been dissolved only after submitting its report on implementation. With the dissolution of the Sub-Committee, the Inspectors believe that the BAC should be asked to submit a report to the Court on implementation of the Court's decisions (see **Recommendation 2**).

III. TOWARDS FURTHER STREAMLINING AND INCREASING THE EFFICIENCY OF THE REGISTRY

35. As shown above, the Court has taken a number of measures aimed at streamlining the Registry and enhancing its efficiency and effectiveness. More remains to be done in this respect.

A. STATUS, COMPOSITION AND STAFF OF THE REGISTRY

36. The Registry is not a part of the United Nations Secretariat. In accordance with the relevant provisions of the Statute and the Rules of Court, the staff of the Registry of the International Court of Justice is subject to Staff Regulations approved by the Court.[13] The Secretary-General of the United Nations has no role with regard to the administration of the Registry.

37. With the additional four posts approved by the fifty-fourth session of the General Assembly, the Registry consists now of 26 staff in the Professional category and above, and 32 staff in the General Service category. Despite the latest increase in the Registry staff, it is still too small to handle the Court's greatly increased workload.

B. "MALAISE"

38. During their mission to The Hague in November 1999, the Inspectors found that a "malaise" existed in the Registry which adversely affected its functioning. The Inspectors, for example, were struck by poor relationships between the Registrar, on the one hand, and the Deputy-Registrar and some heads of departments, on the other. As a result, the Deputy-Registrar had been under-employed and some heads of departments had to seek information and instructions relevant to their job from other persons, including judges, rather than from the Registrar. In sum, a "second registry" was functioning in the Court, which added significant further strain to the Court's limited financial and human resources. Moreover, the "malaise" adversely affected the morale of the Registry staff who, in these conditions, had to make additional efforts in order to be able to cope with their assignments. In this context, the Inspectors noted that sick leave absences in the Registry had been very frequent and sometimes very long.

39. The existence of a "malaise" in the Registry was widely acknowledged among the judges and Registry staff. While perhaps due in part to interpersonal relations, the "malaise" also had some institutional roots. It must also be stated that the Inspectors were, in the course of their discussions with more than twenty staff members, made acutely aware of the destabilizing and demoralizing effects upon the personnel of the atmosphere that had prevailed within the Registry (see para. 7).

C. ROLE OF THE REGISTRAR AND DEPUTY-REGISTRAR

1. Registrar

40. The choice of the Registrar[14] is so crucial for the functioning of the Registry and the Court that the Inspectors urge serious consideration be given to this matter.

41. The Rules of Court call for the Registrar to be elected by the Court for a term of seven years, renewable.[15] In exercising his/her functions under article 26 of the Rules of Court, for which he/she is responsible to the Court, the Registrar, inter alia, shall:

"(a) be the regular channel of communications to and from the Court; (...)

(b) keep, under the supervision of the President, a General List of all cases, entered and numbered in the order in which the documents instituting proceedings or requesting an advisory opinion are received in the Registry; (...)

(f) be present, in person or by his deputy, at meetings of the Court, and of the chambers, and be responsible for the preparation of minutes of such meetings; (...)

(j) be responsible for all administrative work and in particular for the accounts and financial administration in accordance with the financial procedures of the United Nations;

(k) deal with enquiries concerning the Court and its work."[16]

42. The description of the Registrar's functions, as set out in article 26 of the Rules of Court, implies that he/she should: (a) be an outstanding international lawyer; (b) be a skilful diplomat; (c) possess proven managerial capacity; (d) be fluent and have excellent drafting abilities in both French and English (the two official languages of the Court); and (e) possess a profound knowledge of the United Nations system. It is obviously most difficult for the Court to find a candidate having in adequate measure all of the above qualifications.

43. Despite the small size of the Registry, the Inspectors stress the need for the Registrar to have strong management abilities so that he/she can be an effective leader of the staff he/she will be entrusted to manage. The Registrar has several critical managerial tasks to fulfil. In particular,

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[13] The Rules of Court, Art. 28, para. 4.

[14] The predecessor of the current recent Registrar, who served the Court in total for 16 years (the first three of which as Deputy-Registrar) resigned on 5 February 2000. The new Registrar took up his duties on 10 February 2000.

[15] Art. 22 of the Rules of Court.

[16] Ibid., Art. 26.

he/she has to ensure effective coordination of the Registry's departments and services through: (a) introducing elements of planning, (b) establishing a rational division of labour among them; and (c) holding regular meetings with their heads and the entire staff in order not only to keep them informed about the Registry's activities for support of the Court, but also to be effectively involved in them. The Inspectors also emphasize the obligation of the Registrar, under article 26 of the Rules of Court, to keep the General List constantly updated. This obligation, neglected since 1986, was fulfilled only recently, following a specific request from the full Court.

44. Inter-personal relationships and their effect on the psychological climate in the Registry apart, the Inspectors deem it appropriate to draw the Court's attention to some of the provisions in the Rules of Court and to certain institutional factors which, in the past, contributed to the problems of managing the Registry, and which the Court may wish to consider in more detail.

45. The first issue is related to the term of office and terms of employment of the Registrar. As mentioned above, the Rules of Court state that the Registrar shall be elected for a seven-year term of office and may be re-elected. On the one hand, it could be argued that the offer of such a long mandate attracts serious candidates and helps to ensure a certain continuity in the function. However, in the event that a candidate does not perform as expected, seven years of poor performance could be very disabling for the Court. Article 29 of the Rules of Court provides that: "The Registrar may be removed from office only if, in the opinion of two-thirds of the members of the Court, he has either became permanently incapacitated from exercising his functions or has committed a serious breach of his duties." Thus, the basis for removal of the Registrar from office is quite restricted, and does not include simple poor performance. Furthermore, implementation of this provision, potentially an extremely long and cumbersome process, could be a very divisive experience for the Court.

46. Given the foregoing, the Inspectors recommend that the Court consider amending the Rules of Court (Article 22) so that the term of office of the Registrar is reduced to three years, with the expectation that it would be renewed, subject to performance approved by the Court. This would help to restrict the damage to the Court resulting from the selection of a candidate whose performance does not meet expectations, and better assure continued good performance (see **Recommendation 3**).

2. Deputy-Registrar

47. By virtue of Article 23 of its Rules, the Court also elects a Deputy-Registrar. The provisions governing his/her election and term of office, as well as his/her potential removal, are the same as those applied to the Registrar. No specific responsibilities are assigned to the Deputy-Registrar. Article 27 of the Rules of Court provides only that "the Deputy-Registrar shall assist the Registrar, act as Registrar in the latter's absence and, in the event of the office becoming vacant, exercise the functions of Registrar until the office has been filled". The Inspectors have learned that in the recent past, the Deputy-Registrar had constantly been kept aside from the real work of the Court and the Registry, including financial aspects of the Registry's functioning. They also discovered that there is no job description for this position.

48. In this context, it is noted that Article 42 of the Instructions for the Registry (1946) specifies that:

"(a) The Deputy-Registrar shares the duties devolving upon the Registrar both in connection with the exercise of the judicial and advisory powers of the Court and in connection with the direction of the Registry; and

(b) In dividing the work between himself and the Deputy-Registrar, the Registrar will ensure that both of them are constantly in touch with the work of the Court and of the Registry."

49. This implies at least that the Registrar should keep the Deputy-Registrar informed about the Court's work and the substance of its proceedings. In practice, however, the Deputy-Registrar, under the predecessor of the current Registrar, was compelled to look for other sources of such information within the Registry and from the judges, in order to follow developments in the legal work of the Court and anticipate possible assignments by the Registrar.

50. The Deputy-Registrar had no specific responsibilities and was actually under-employed. The Court, by virtue of its decisions on the Report of the Sub-Committee on Rationalization, entrusted him with providing immediate supervision for the General Assistance Division, Computerization Division and the Archives, Indexing and Distribution Division.

51. The Inspectors believe that the rule providing for election of the Deputy-Registrar by the Court is a prescription for difficulty. In their view, in order to prevent conflicts, rivalry or enmity between Registrars and Deputy-Registrars, the Rules of Court should be amended so that the Deputy Registrar would be appointed, rather than elected, by the Court in consultation with the Registrar. Consistent with this, the Court may also wish to consider appropriately amending Articles 23 and 29.3 of the Rules of Court (see **Recommendation 4**).

D. SUBSTANTIVE DEPARTMENTS OF THE REGISTRY

1. Department of Legal Matters

52. The Department of Legal Matters is currently composed of one official in the Director category, five officials in the Professional category and one administrative assistant. This most important substantive department of the Registry, in the judges' general opinion, has been very efficient and effective. The judges have stated how much they appreciate the high quality of the work done by the department, as well as the qualifications of the department's head.

53. In view of the workload it faces, the ability of the department to cope with major unexpected requirements has been remarkable, but this has often put great strain on the staff. A case in point is the peak of work reached in spring 1999 due to the simultaneous filing of ten cases.

2. Department of Linguistic Matters

54. Translation is another vital factor in the Court's activities. In fact, the ICJ schedule of work, and in particular its ability, after the closure of the written procedure, rapidly to organize hearings and bring a case to conclusion is strongly influenced by the pace of translation between the Court's official languages, French and English. The Court has to translate enormous quantities of documents before oral procedures can take place. In a recent case, for example, each party presented more than 2,500 pages of documents. The burden on the Court's restricted and underfunded translation service is not hard to imagine, and the time it takes to produce adequate translations, even using outside resources where possible, is considerable.

55. In turn, the pace of translation is directly affected by the number of translation staff permanently employed. Until recently, the whole language staff consisted of just four persons: the department head (P-5), two translators (P-4) and one translator/interpreter (P-4). Following the Court's insistent requests made in 1997, 1998 and 1999, the General Assembly, at its fifty-fourth session, decided to create two additional posts of translators. This decision, however, only partially meets the actual requirement. In the Inspectors' view, at least four more such posts would be needed to allow the department to cope with the current work and backlog. (see **Recommendation 5**).

56. Due to the insufficient number of linguistic regular staff, the Court has had to use free-lance translators. In addition to being costly, the employment of temporary translators presents some difficulties of coordination and of ensuring the necessary standards of translation as well as confidentiality. Finally, control is not the same for contractual employees. The Court, in its above decisions of December 1997, considered that translation at home, less costly than translation at the Court, should be promoted with respect to non-confidential texts.

57. It will be observed that the department has no GS support staff. All the telephone calls (about 80 a day) are made by its head. Neither is there a person who could help with references. The reference work is often done, as a matter of courtesy, by one of the officials of the Publications Department. In this regard, the Court decided that putting on the Internet its non-confidential documents concerning the cases referred to it, should make it possible to reduce the number of requests for references by the external translators. It also decided that the department should initiate the utilization of electronic mail to maintain contact with translators working at home.

3. Department of Press and Information Matters

58. In December 1997, the functions of this department, consisting of two officials of the Professional grade (one P-5 and one P-2), had been reconsidered. Implementation of some of its previous tasks has been transferred to other entities. The Department of Press and Information Matters currently deals, in particular, with: i) drafting all documents containing general information on the Court; (ii) arranging for the dissemination of printed publications and public documents emanating from the Court; (iii) compiling and making available to all interested parties audiovisual documentation; (iv) replying to all enquiries about the Court, visits to the seat of the Court and assistance at public hearings; (v) encouraging and helping press, radio and television correspondents to report on the activities of the Court; and (vi) maintaining contact with the Department of Public Information (DPI) of the United Nations and the corresponding departments of the specialized agencies.

59. It may be added that due to the absence of a United Nations Information Centre (UNIC) in The Hague, the Department of Press and Information Matters plays, from time to time, that role also. The erratic relations of the Department with DPI (New York), which were neither close nor regular, have recently improved. This has resulted, in particular, in fruitful collaboration for preparation of a brochure on the Court.

60. In order to improve the quality of information emanating from the Court, the judges decided, in particular, that press communiqués dealing with a strictly judicial activity of the Court should be drawn up in close collaboration with the Department of Legal Matters. It also decided that the policy to be followed by the Department of Press and Information Matters should not be determined by its head, but by the Court or its Committee on Relations. The latter was asked to supervise the organization of the department and the performance of its responsibilities.

61. Introduction of information technology has brought many positive changes in the functioning of the department. The number of press releases sent by e-mail is in each instance about 6,000 and is over four and a half times greater than the number dispatched by post (1,300). The number of addressees in developing countries is constantly increasing.

E. TECHNICAL DIVISIONS OF THE REGISTRY

62. Until 1998, many administrative and personnel matters (e.g. preparation of the budget; relations with the different financial organs of the United Nations; arrangements regarding premises, equipment, supplies and travel; accounting, payments and purchases), technical matters (e.g. the creation of the Court's own website on the Internet) as well as supervisory functions (with regard to ushers, security guards, drivers, messengers and telephone operators) had been concentrated in the Establishment Division. Following the report of the Sub-Committee on Rationalization, which concluded that the head of this division could no longer cope with such a multitude of tasks, the Court decided to split this department into three

separate divisions: Financial Division, General Assistance Division and Computerization Division.

1. Finance Division

63. This division is entrusted with the financial (budget, accounts, emoluments and salaries) and personnel administration activities. The division consists of two staff in the Professional category (one P-4 and one P-2) and two staff in the general service category. Some aspects of the work with which it is concerned with are addressed in the section Some Financial and Administrative Practices of the Registry below (paragraphs 81-90).

2. General Assistance Division

64. The General Assistance Division provides the Registry and the Court with central support services. The division, which consists of seven staff in the general service category, is headed by a coordinator, who reports directly to the Registrar. The Division has responsibility for security, messenger services, drivers and receptionists. Also, during sessions of the Court, the General Assistance Division oversees technical support, security, the provision of ushering services and preparation of the Main Hall of Justice. In addition, the coordinator in his own capacity supervises transportation and travel of the judges and, in this context, maintains the necessary contacts with different local authorities (Ministry for Foreign Affairs, Management of Amsterdam's airport and airline companies). He further has responsibility for the maintenance of official cars and for customs clearance.

3. Computerization Division

65. In December 1997, the Court, following the recommendation of the Sub-Committee on Rationalization, decided that the activities linked to the development of computerization and the maintenance of EDP equipment and other technical installations should be regrouped (the Computerization Unit used to be a part of the Finance Division). Pursuant to that decision, the Computerization Division was established in January 1998 to carry out the following functions:

- to contribute to enhancing the efficiency of the Registry through the use of IT;
- to improve IT communication and coordination among the different entities of the Registry;
- to ensure automatic mailing through the website.

The division currently consists of one P-2 and two general service staff members.

66. Major accomplishments of the Division during the period 1998-1999 are as follows:

- introduction of an advanced internal and external e-mail system;
- replacement of personal computers and upgrading of the network system and servers;
- upgrading of the ICJ website established in 1997;
- installation of an Intranet;
- the creation of mirror sites at the universities of Glasgow, Paris-II, and Cornell (New York);
- introduction of Microsoft Office Suite (Word, Excel, Access, Outlook, FrontPage);
- Publication of Written Pleadings in PDF format on the Court's website.

In this context, it may be added that the ICJ website is very popular, receiving about 500,000 visits a year.

67. The use of IT by the Registry is still insufficient, and it would be helpful to the Court to develop an IT strategy. The use of scanned images is very limited, particularly in the Archives. Electronic indexing in the Archives, computerization of the Library and introduction of software designed to speed up and rationalize the work of translation (terminological data bases and search engines covering the Court's entire documentation) have just started. The programme in question, Zylmage, should also facilitate the work of other departments, such as the legal service.

68. It will be recalled that ACABQ recommended that the Court explore vigorously the introduction of modern technology. Toward this end, the Advisory Committee suggested considering methods used by regional and national judicial systems, as well as the experience of the Office of Legal Affairs in reducing its own backlog in the publication of treaties, with a view to finding means for improving and modernizing its capacity for storage, publication, retrieval and distribution of Court documents.[17]

69. Better use of IT could be made, for example, in making proceedings available in the most accessible form. These are read by Ministries for Foreign Affaires, universities, individual jurists and the public at large. Also, the Court's advisory opinions, circulated as General Assembly official documents, could be placed on the ICJ website in all six United Nations official languages.

70. The Inspectors note that, within the context of the 2000-2001 budget, increased resources have been approved for upgrading the Court's network, as well as for acquisition of application software licences and a variety of equipment. Also, as noted in para. 62 above, one P-2 post (the only Professional post in the division) was established to be responsible for coordinating the design, development and implementation of automation systems.

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[17] A/52/7/Rev.1, chap. II, part III, sect. V, para. III.7.

4. Publications Division

71. This division is responsible for preparation of layout, the correction of proofs, the study of estimates, and the choice of a printing firm, with regard to the following main publications of the Court: (a) Reports of Judgements, Advisory Opinions and Orders; (b) *Yearbook*; (c) Pleadings, Oral Arguments, Documents (Series C); (d) Bibliography; and (e) various publications as decided by the Court and/or the Registrar (e.g. *Blue Book*, *Background Note*, *White Book*). On the average, the division prepares for printing some 2500-3000 pages a year. Moreover, since the printing of the Court's publications is outsourced, the division also ensures the preparation, conclusion and implementation of contracts with printers. Within the Registry, the division maintains constant working cooperation with the Department of Legal Matters, the Department of Linguistic Matters and the Shorthand, Typewriting and Reproduction Division.

72. Until the year 2000, the Publications Division consisted of only two staff, both in the Professional category (one P-4 and one P-3). In response to the Court's request initiated by the Ad-hoc Publication Committee, the General Assembly, at its fifty-fourth session, authorized the creation of an additional post of technical corrector (P-2).

73. It must be noted, however, that as a result of understaffing compared to the workload, a significant backlog in publications existed at the time of the JIU inspection, despite intensive work and frequent overtime. Thus publication of the *Yearbook* was three years behind. Proceedings had not been published since 1988, which resulted in the backlog of 14 cases and 21 volumes. The backlog problems led to the setting up of the Committee on Publications. Given the volume of the current backlog, suggestions emerged to discontinue publishing of pleadings. In the view of many, however, the Court's pleadings constitute an important source of knowledge for lawyers, academic circles, universities and legal departments of Member States' Foreign Ministries. In this regard, the Inspectors thought that it might be appropriate to scan those pleadings and publish them electronically. Some of the documents kept in the Archives could also be scanned to make them electronically accessible.

5. Documents Division/Library of the Court

74. The major handicap of the ICJ Library is insufficient links with the institutions with which it has to collaborate. Within the Peace Palace itself, the Court Library has a close working relationship, embodied in a long-standing agreement, with the Carnegie Foundation Library, which has one of the best international law collections in Europe. However, at the time of the JIU inspection, it had no links with the New York and Geneva library systems of the United Nations. The lack of contact with the Geneva Library is all the more deplorable given the wealth of legal literature and references under its custodianship. Despite the relevant decision of the Court taken in December 1997, only very recently did the Library get access to the Internet. Soon it will have an e-mail address which, in particular, will facilitate the ordering of books.

75. The Library's current situation is being addressed by the Court's Library Committee. At its October 1999 session, the Committee held a detailed discussion on the modernization of the service.

6. Archives, Indexing and Distribution Division

76. This division is the official repository for all pleadings, documentation and correspondence, as well as for the General List of cases. It comprises three units: the Registration Unit, the Indexing Unit and the Distribution Unit.

77. Each of these units discharges its duties under the direction and supervision of the Archivist, who heads the Division. The Archivist is accountable to the Registrar for the custody, management, maintenance, safe-keeping and storage of two groups of archives: those of the ICJ (1946 to the present) and those of its predecessor, the Permanent Court of International Justice (1920 to 1946). The two groups of archives total approximately 1,500 linear metres.

78. The Inspectors noted with concern the inadequate state of the archiving facilities at the time of the inspection, which leaves valuable historical documents exposed to environmental dangers and security threats while creating unhealthy working conditions for those responsible for their upkeep. In particular, storage equipment was found to be defective (e.g. cabinet locking systems and drawer handles broken), heavy and difficult to manoeuvre, and insufficient for the archiving of special documentation such as maps and drawings. Environmental factors, such as excess heat, light and dust and a lack of proper ventilation, were damaging to both the documents themselves and the health of the staff working in their surroundings. Furthermore, the paper itself of the older documents is not acid-free which, particularly combined with the external factors, actually speeds up the deterioration process.

79. These problems could be minimized through the use of technology for scanning and storing documents, the provision of a temperature-, humidity- and light-controlled environment, which should be regularly monitored, and the additional human and physical resources required to achieve this. The Inspectors believe that such an investment is warranted. The Inspectors are aware that the General Assembly, at its fifty-fourth session, approved an increase in ICJ resources for furniture and equipment, in particular for the replacement of storage cabinets and temperature and humidity control systems for the archives, and for the acquisition of an imaging system to prepare image files for the Internet and the Court's Intranet.

7. Shorthand, Typewriting and Reproduction Division

80. The Shorthand, Typewriting and Reproduction Division is composed of one Professional and five GS staff. Given the ICJ workload, the Division staff, despite temporary assistance provided, are often called on to work overtime. Significant overtime was accumulated during the peak period March-April 1999. The staff members argued at the time of the inspection that only about one-half of overtime had been compensated and complained that, more

often than not, requests for compensation remained unanswered (see para. 88 below). The Inspectors were informed that when overtime cannot be compensated financially, because of the lack of funds under the relevant object of expenditure, compensatory leave is granted. The staff members also complained that, despite their expanded responsibilities and additional skills acquired, the posts in the division had not been reclassified.

F. SOME FINANCIAL AND ADMINISTRATIVE PRACTICES OF THE REGISTRY

1. Financial

81. In 1995, OIOS identified a number of deficiencies in personnel and financial management of the Registry. Accordingly, 48 recommendations were made. The criticism contained in the OIOS report was recognized by the Registrar at the time as sound. He also reported that most recommendations had been implemented, namely that: (a) seeking bids had become a standard practice; (b) travel claims were submitted in an orderly manner; (c) control over telephone calls (official and private) had been introduced; and (d) the cash management problem had been largely resolved. Recently, the OIOS has undertaken another financial audit of the Registry. In preparation for this audit, the OIOS consulted with the Inspectors on what they had learnt from their mission to the Court.

2. Administrative

82. The Court has its own Staff Regulations for the Registry. These incorporate quite a number of provisions of the United Nations Secretariat Staff Regulations and Rules. The latest edition of the Staff Regulations for the Registry dates back to July 1996.[18] Since then, however, the United Nations Staff Regulations and Rules have been amended following the adoption of General Assembly resolutions 51/226 of 18 December 1996, 52/252 of 8 September 1998, 53/209 of 18 December 1998 and resolution 53/221 of 7 April 1999. In view of this, the Court may wish to consider updating and better aligning Staff Regulations for the Registry with the Staff Regulations and Rules of the United Nations. References to some of the United Nations rules are no longer valid since the latter have been either abolished or incorporated into other rules. Also, the Staff Regulations for the Registry do not reflect the recent provisions contained in the latest edition of the United Nations Staff Regulations and Rules, in particular those related to basic rights and obligations of staff, e.g. "specific instances of prohibited conduct" (including abuse of power, harassment, etc.), "performance of staff," etc.

(a) Recruitment and promotion

83. The Court recruits a very limited number of people. Candidates for posts in the Professional category should understand the role of the Court and master at least the two ICJ official languages. Generally, vacancies are advertised in the leading French- and English-language daily newspapers and now on the Internet. Moreover, professors around the world have been contacted to propose candidates for legal posts. Thus, some posts have been advertised widely and have attracted many applications. Some appointments, however, have been made without advertising on the recommendation of either a sitting judge or the President.

84. During the inspection, the Inspectors, on the basis of confidential information, found that, in some instances, the then ICJ recruitment and promotion practices suffered from the following deficiencies:

(a) insufficient transparency and consistency;

(b) lack of standard procedures, similar to those applied in the United Nations system;

(c) unduly long vacancies (e.g. the post of the Deputy Head of the Establishment Department); and

(d) cases of favouritism (see **Recommendation 6 (a)** and **(b)**).

(b) Performance appraisal

85. The ICJ does not have a performance appraisal process for its staff. The issue of performance appraisal had never been discussed in the Court before it was raised by the Inspectors at their meeting with the Budgetary and Administrative Committee of the Court. Performance appraisal is above all a tool to ensure the maintenance of the highest standards of efficiency, competence and integrity of staff. It is also a way to promote the principle of merit, recognition and motivation of staff. The Inspectors believe that, notwithstanding its overall satisfaction with the Registry staff, the Court should seriously consider the introduction of a performance appraisal system (see **Recommendation 6 (c)**).

(c) Sick Leave Administration

86. There has been too much loss of staff time due to sick leave. Certification of sick leave is a problem because most family doctors in the host country, in accordance with their professional code of practice, are unwilling to provide certificates to employers. The Inspectors believe that the Registrar should explore ways to ensure that sick leave of Registry staff is administered in the manner established in the United Nations system (see **Recommendation 6 (h)**). The Inspectors suggest that consideration should be given to the establishment of a common medical service with other United Nations entities located at The Hague.

[18] Staff Regulations for the Registry incorporating the applicable rules of the Staff Rules of the United Nations Secretariat (ST/SGB/Staff Rules/1/Rev.8). International Court of Justice, The Hague, July 1996.

(d) Other Staff Administration Problems

87. In the course of their interviews with the Registry officials, the Inspectors were also made aware of the fact that certified job descriptions are non-existent for many staff, and that many posts need to be reclassified due to the expansion of responsibilities of their incumbents (see **Recommendation 6 (d)** and **(e)**).

88. It also appeared that many staff are not adequately informed on their rights with regard to promotion, extension or conversion of their contracts, or compensation for overtime work (see **Recommendation 6 (g)**), as well as to their rights in cases of harassment, abuse of authority by their superiors, etc. (see **Recommendation 6 (f)**). In this regard, some staff members complained that copies of the amended United Nations Staff Regulations and Rules applicable to the Registry had not been made available to them at the appropriate times. (see **Recommendation 6 (i)**). It should also be emphasized that there is no one in the Registry trained in human resources management.

89. Given the importance of administration and staff management for the Registry, the Inspectors believe that it needs a professional Senior Administrative/Personnel Officer to assist the Registrar in personnel management as well as in providing necessary administrative support for the judges. It is unrealistic to presume that the Registrar can be the high-quality international lawyer required to assist the Court and at the same time handle the administration and personnel needs of the Registry without the assistance of such an officer (see **Recommendation 7**).

(e) Cooperation/Coordination with ICTY and OPCW

90. The Inspectors had discussions with officials of the International Criminal Tribunal for the former Yugoslavia with a view to identifying the possibilities of establishing common services of the United Nations system organizations at The Hague. They also had an exchange of views with officials of OPCW with regard to a number of its administrative arrangements and relations with the host country. The Inspectors concluded that the potential for common services is extremely limited, but it would be useful more proactively to seek cooperation among the organizations located at The Hague with regard to certain administrative problems in such areas as procurement, medical services, security, information exchang and so on, as well as in relations with the host country. In the Inspectors' view, the Court could direct the Registrar to meet more regularly with his/her counterparts in OPCW and ICTY to exchange views and experiences regarding these problems. The inspectors believe that cooperation with OPCW would be useful, even though the latter is not part of the United Nations system (see **Recommendation 8**).

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Agenda items 116 and 117
Review of the efficiency of the administrative and financial functioning of the United Nations

Programme budget for the biennium 2000-2001

Report of the Joint Inspection Unit on the review of management and administration in the Registry of the International Court of Justice

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the comments as received from the International Court of Justice (see annex I) on the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice" (A/55/834). The Secretary-General is also pleased to provide his comments and account of actions already taken (see annex II).

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Annex I

Comments of the International Court of Justice on the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice"

[Original: English and French]

I. Introduction

1. On 13 December 2000, the Joint Inspection Unit transmitted to the Court its report entitled "Review of management and administration in the Registry of the International Court of Justice", which had been prepared by Fatih Bouayad-Agha, John D. Fox and Francisco Mezzalama. The report contains various recommendations which were submitted to the Court, in view of its independence, by the Joint Inspection Unit. As some of those recommendations have financial implications, the Joint Inspection Unit at the same time submitted the report to the General Assembly for information purposes (para. 10 of the report).

2. Furthermore, the Fifth Committee of the General Assembly, for its part, in its report to the Assembly in the main part of the fifty-fifth session, recommended that the Assembly request the Joint Inspection Unit to expedite its report and submit it, together with the comments of the Court thereon, to the Assembly for consideration at its resumed fifty-fifth session (A/55/713, draft resolution I, sect. V, para. 2 (subsequently adopted as resolution 55/238)).

3. The Court has carefully studied the report and the recommendations contained therein. It notes that the examination by the Joint Inspection Unit covered certain points which appear to relate to the Court itself rather than solely to the Registry, to which the report was meant to be limited. At the close of its consideration of the report, the Court adopted various decisions and made the observations which are set forth below. They have been transmitted to the Joint Inspection Unit for information and are also presented for the information of the General Assembly.

4. These observations deal with: (a) the budgetary difficulties encountered by the Court, as highlighted in the report for the attention of the General Assembly, and (b) the organization and internal functioning of the Registry.

II. The workload of the Court and the resources available to it

5. The Joint Inspection Unit pointed out that the Court's workload has grown significantly in recent years as a result of the increase in the number of cases as well as their increasingly voluminous nature. It also observed that, over the same period, the budgetary restrictions applied throughout the United Nations have had an unfavourable effect on the Court's resources in human and financial terms. Thus, after taking note of the resolutions adopted by the General Assembly when the budget for the 2000-2001 biennium was approved, the Joint Inspection Unit recommends that the Court present increased budgetary requests for the period 2000-2003.

6. The Court is in full agreement with the Joint Inspection Unit's analysis of the situation concerning its workload and the resources available to it. Furthermore, since November 1999, this situation has continued to deteriorate and the President of the Court, in his address to the General Assembly on 26 October 2000, drew its attention to the need to resolve the matter rapidly (A/55/PV.41, pp. 5-6). The Court subsequently presented a request for an additional budget for 2000-2001, limited to the requirements to be addressed as a matter of urgency (see A/C.5/55/21). The General Assembly has approved this budget (resolution 55/238, sect. V, para. 1). The Court is currently preparing its proposals for the 2002-2003 budget, which will necessarily be more extensive.

7. In its recommendations the Joint Inspection Unit deals in particular with the assistance to be provided for the judges by appointing law clerks (recommendation 1), increased staff resources for the Department of Linguistic Matters (recommendation 5) and the appointment of an administrative/personnel officer (recommendation 7).

8. With regard to the first point, the Joint Inspection Unit stresses that, unlike the judges of other international tribunals and some national supreme

courts, the members of the Court do not have any law clerks or interns at their disposal and have only limited personal assistance with regard to legal matters. It suggests that the Court should include in its budget for the period 2002-2003 three junior-level law clerk or research assistant posts, to constitute within the Department of Legal Matters a pool, the members of which would be responsible for carrying out research at the request of individual judges.

9. The Court, like the Joint Inspection Unit, is of the view that its members now need individual legal assistance. This is attributable to the increasing number of cases, especially as some of them (particularly those concerning territorial disputes) are extremely voluminous (7,600 pages in a case currently being dealt with, as noted in paragraph 15 of the report). Research concerning matters of doctrine and jurisprudence has also become increasingly laborious in view of the development of international law and the proliferation of international tribunals. The provision of assistance to the judges in these areas would enable a significant improvement in the output of the Court, given the time-consuming nature of the research tasks involved. The Court therefore fully endorses the Joint Inspection Unit's recommendation that provision for the law clerk or research assistant posts, possibly at the P-2 level, should be included in the budget.

10. However, the Court is of the opinion that to limit such recruitment to three assistants would not enable the desired objective to be attained. In all international or national courts where judges have legal assistance available, each judge has at least one law clerk with whom he or she can establish a trustworthy personal relationship. A day-to-day relationship of this kind is essential to enable the judges to work more quickly, by concentrating on their specific tasks of reflection and judgement, and will partly determine whether the reforms to be undertaken are successful.

11. Thus the Court is considering proposing to the General Assembly that provision be made in the next budget for 15 law clerks at the P-2 level.

12. With regard to the need for increased staff resources in the Department of Linguistic Matters, the Joint Inspection Unit recommends that the Court propose that at least four new translator posts be created (para. 55) and stresses the need for the Head of the Department to have an administrative assistant (para. 57).

13. At the regular session of the General Assembly, in 2000, the Court submitted to the Assembly detailed proposals concerning its requirements in this area. After examining the Court's additional budget for the financial year 2000/01, the Assembly created 12 new translator posts (9 P-3 and 3 P-4). It also increased the appropriation for temporary assistance by $117,400 and agreed to the creation of two administrative assistant posts (including one G-4 post to assist the Head of the Department of Linguistic Matters) (see A/C.5/55/21).

14. The Court is grateful to the General Assembly for these decisions, which will enable it to make progress in translating the case files submitted to it. When the 2002-2003 budget is examined, it will be sure to take stock of the results achieved.

15. Finally, the Joint Inspection Unit recommends that the Court examine, as a matter of priority, the possibility of having within the Registry an official responsible for administrative and personnel matters to assist the Registrar and the judges in such matters (para. 89).

16. The Court endorses the conclusions arrived at by the Joint Inspection Unit on this point and will be making a proposal to that effect in its next budgetary request.

III. The organization and functioning of the Registry

17. In its report, which was drafted in November 1999, the Joint Inspection Unit notes that at the time a "malaise" was perceptible within the Registry, although this "malaise" had not prevented the Registry from carrying out its duties in the service of the Court (Conclusions, para. D). The source of this "malaise", according to the inspectors, lay at least partially in "interpersonal relations", while it apparently also had some institutional roots, according to the report (para. 39).

18. The Court believes that to undertake an examination of the first set of causes referred to would serve no useful purpose. It will therefore confine itself to observing that at the present time the relations between the Registrar and the Deputy Registrar are characterized by an effective cooperation and are not encumbered by any difficulties.

19. The Court also carefully examined the observations made by the Joint Inspection Unit concerning the organization and functioning of the Registry.

20. As the Joint Inspection Unit notes, the Court, in February 1996, had decided to re-examine the Registry's working methods and had established a Subcommittee on Rationalization, the conclusions of which were approved by the Court in December 1997 (para. 31). The reorganization thus decided upon was implemented immediately and the Joint Inspection Unit was pleased about this. However, it was concerned by the fact that certain decisions in relation to the internal functioning of the Registry had apparently not been followed up (para. 33).

21. With regard to these observations the Court is able to state that at present all the decisions taken in December 1997 have been implemented, as the Court's Budgetary and Administrative Committee has formally noted. In particular, the Court receives a statement of the accounts every four months and the Registrar holds regular meetings, at least once a month, in which the Deputy Registrar and heads of department and division together take part. The Registrar has also been in regular contact with the Staff Committee, which, after being dormant for years, was revived in December 1999. The President of the Court himself has, since taking up office, addressed the whole staff twice. Recommendation 2 of the report has consequently already been applied.

22. In recommendation 3, the Joint Inspection Unit suggests that the Court should examine whether it would not be desirable to amend the Rules of Court with a view to reducing the Registrar's term of office from seven to three years, renewable. In support of that suggestion, the report contends that it would make it possible to limit the damage that might result for the Court if the choice of incumbent proves to be an unfortunate one.

23. The Court carefully examined this suggestion, which relates to its right as enshrined in Article 21 of its Statute. Although the suggestion is not without its merits, the Court felt that it was unable to endorse it. As noted in the report, the Registrar performs numerous, varied and sensitive functions (para. 42). It is not easy to find a candidate with the many qualities required to perform these functions. The search for such a candidate would be made even more difficult if the term of office were to be shortened. Furthermore, the length of the term of office is justified historically by the need to guarantee the independence of the incumbent (which is why equivalent terms of office are traditional in most international courts).

24. In its recommendation 4 the Joint Inspection Unit also suggests that the Court should examine whether it would not be desirable to amend the Rules of Court so that the Deputy Registrar is henceforth appointed by the Court, for a shorter period, after consultation with the Registrar (paras. 47-51).

25. The Court has found that in the past, relations between the Registrar and the Deputy Registrar have not always been entirely satisfactory. It therefore shares the Joint Inspection Unit's view that the Registrar should be consulted by the Court before the Deputy Registrar is chosen. However, it believes that such prior consultation could be undertaken on behalf of the Court by its President, which would obviate the need to amend the text of the Rules of Court. The Court proceeded in this manner when the Deputy Registrar was re-elected in February 2001.

26. Lastly, in its recommendation 6 the Joint Inspection Unit suggests that the Court should improve its personnel management practices and procedures by aligning them in various respects with those applicable in the United Nations Secretariat.

27. As the Joint Inspection Unit itself points out, the Court is independent administratively and the Registry is not part of the United Nations Secretariat. The Court examined each of the specific recommendations put before it. It noted first of all that some of the recommendations had already been implemented (points (a), (b) and (e)) and that others did not appear to address fully those problems arising in the Registry. Thus the introduction of a performance appraisal system as it exists in the Secretariat (point (c)) has not so far seemed appropriate, in view of the small size of the Registry. Similarly, compensation for overtime (point (g)) could not be undertaken in the same way as in the United Nations Secretariat, as the Registry staff is too small for rotation to be organized; however, certain measures have already been taken, particularly in the departments where a considerable amount of overtime was assigned. Furthermore, specific measures are about to be adopted, in coordination with other organizations based in The Hague, for the administration of sick leave (point (h)). In exercising

its administrative independence, the Court will examine, in connection with the forthcoming publication of a revised and updated version of the Staff Regulations for the Registry, what provisions that have recently entered into force at the Secretariat will be made applicable to the Registry (point (i)). With regard to points (d) and (e), the Court would point out that there is a job description for Registry posts but that those descriptions in some cases no longer correspond to the new conditions under which the Court now functions; this problem is being dealt with as and when vacancies arise or posts are reclassified and the job descriptions in question are updated. Finally, the Court will shortly be examining the measures that should be taken to improve the information available to staff concerning the remedies that may be available in case of harassment (point (f)). The appointment of a Personnel Officer, as suggested by the Joint Inspection Unit, would facilitate the implementation of several of the above-mentioned recommendations.

28. In its recommendation 8 the Joint Inspection Unit suggests that the Registrar should meet more regularly with his/her counterparts in the Organization for the Prohibition of Chemical Weapons and the International Tribunal for the Former Yugoslavia, inter alia, to clarify the possibilities for increasing cooperation and coordination with those bodies concerning administrative matters and relations with the host country.

29. The Court is also of the view that cooperation with bodies based in The Hague must be encouraged (para. 88), and is working to that end. As is pointed out in the report itself, the potential for common services is extremely limited, but the Registrar is increasingly being called upon to consult his counterparts in other organizations, for example, to deal with the matter of relations with the host country. Consultations of this nature have also been held, for example, concerning sick leave administration (see para. 27 above).

IV. Conclusion

30. On the whole the Court accepts the greater part of the Joint Inspection Unit's analysis concerning the increase in its workload and the inadequacy of the resources available to it. It will make full proposals on these matters to the General Assembly in connection with the budget for 2002-2003.

31. On the other hand, after close consideration of the Joint Inspection Unit's suggestions, the Court has not seen fit to adopt those which relate to shortening the terms of office of the Registrar and the Deputy Registrar. The Court does agree with the Joint Inspection Unit, however, that the Registrar should be consulted before it moves to its choice of Deputy Registrar.

32. The Court, in line with the observations of the Joint Inspection Unit, noted that the measures it adopted in December 1997 to reorganize the Registry had indeed been applied. Although at the time of drafting of the report (November 1999) certain decisions concerning the internal functioning of the Registry had not yet been implemented, they have been since then.

33. With regard to administrative practices and procedures, the Court, as pointed out above (see para. 27), is unable to accept all the recommendations set out in the report. It is, however, involved, as is illustrated in many respects in the report itself, in a determined, ongoing effort to improve, rationalize and update the practices and procedures in question, while exercising its administrative independence.

Annex II

Comments of the Secretary-General on the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice"

1. Pursuant to article 11 of the statute of the Joint Inspection Unit, the Secretary-General presents his comments on the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice".

2. The Secretary-General has the following comments on those issues in the report that relate to budgetary and human resources matters.

Research assistance for the judges (paras. 16-18)

3. The Secretary-General would draw the attention of the General Assembly to the recommendation concerning the establishment of three junior-level law clerks to assist the judges and awaits the guidance of the General Assembly as to its wishes in this regard.

Increased staff resources for translation (paras. 54-57)

4. The Secretary-General notes that prior to the issuance of the report, action had been taken to provide additional resources for the Court. Pursuant to General Assembly resolution 54/249 of 23 December 1999, by which the Assembly noted with concern that the resources proposed for the Court for the biennium 2000-2001 were not proportionate with the workload envisaged for that biennium, the Secretary-General submitted revised estimates reflecting the unexpected increase in the Court's caseload (see A/C.5/55/21). On the basis of the increased workload statistics for the translation of pleadings, verbatim records of hearings, judges' notes, decisions and opinions, the Secretary-General proposed an increase in the number of translators, related administrative and secretarial support as well as temporary assistance for meetings. The Secretary-General also proposed, in the context of the revised estimates, additional support for the Press and Information Services.

5. The General Assembly, in its resolution 55/239 of 23 December 2000, approved the establishment of 12 posts (3 P-4 and 9 P-3) for translators, two General Service posts and temporary assistance, reflecting an increase of $710,400 in the programme budget of ICJ for the biennium 2000-2001.

Senior Administrative/Personnel Officer (para. 89)

6. The Secretary-General takes note of the recommendation on the establishment of a post to assist the Registrar in personnel management. Such a post has been included in the proposed programme budget for the biennium 2002-2003.

7. With regard to the section on personnel practices and procedures in the report (paras. 81-89), the Secretary-General would like to comment as follows:

Recommendations 6 (a) and (b). The recommendations regarding recruitment and placement reflect generally accepted good practice in this area of human resources management; (paras. 83-84);

Recommendation 6 (c). The Secretary-General endorses the recommendation to introduce a performance appraisal system at the International Court of Justice and believes that the United Nations Secretariat can share its experience gained in introducing and using the current United Nations performance appraisal system (PAS). To introduce a performance appraisal system, a lead time of at least six months is recommended for set-up; (para. 85);

Recommendations 6 (d) and (e). The Secretary-General also endorses the recommendations that each post of the Registry should be classified professionally and certified and that there should be updated job descriptions for all posts. It is suggested that the services of one or two consultants be sought to undertake this exercise and review; (para. 87);

Recommendation 6 (g). A system for overtime compensation for all locally recruited staff can and should be developed following best prevailing local practice in accordance with the Flemming principle; (para. 88);

Recommendation 6 (h). An attempt should be made to establish a system of sick leave in accordance with United Nations procedures taking due note of local practice in the Netherlands concerning sick leave (para. 86).

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Review of the efficiency of the administrative and financial functioning of the United Nations

Programme budget for the biennium 2000-2001

Report of the Joint Inspection Unit on the review of management and administration in the Registry of the International Court of Justice

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the comments as received from the International Court of Justice (see annex I) on the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice" (A/55/834). The Secretary-General is also pleased to provide his comments and account of actions already taken (see annex II).

* Reissued for technical reasons.

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Annex I

Comments of the International Court of Justice on the report of the Joint Inspection Unit entitled "Review of management and administration in the Registry of the International Court of Justice"

[Original: English and French]

I. Introduction

1. On 13 December 2000, the Joint Inspection Unit transmitted to the Court its report entitled "Review of management and administration in the Registry of the International Court of Justice", which had been prepared by Fatih Bouayad-Agha, John D. Fox and Francisco Mezzalama. The report contains various recommendations which were submitted to the Court, in view of its independence, by the Joint Inspection Unit. As some of those recommendations have financial implications, the Joint Inspection Unit at the same time submitted the report to the General Assembly for information purposes (para. 10 of the report).

2. Furthermore, the Fifth Committee of the General Assembly, for its part, in its report to the Assembly in the main part of the fifty-fifth session, recommended that the Assembly request the Joint Inspection Unit to expedite its report and submit it, together with the comments of the Court thereon, to the Assembly for consideration at its resumed fifty-fifth session (A/55/713, draft resolution I, sect. V, para. 2 (subsequently adopted as resolution 55/238)).

3. The Court has carefully studied the report and the recommendations contained therein. It notes that the examination by the Joint Inspection Unit covered certain points which appear to relate to the Court itself rather than solely to the Registry, to which the report was meant to be limited. At the close of its consideration of the report, the Court adopted various decisions and made the observations which are set forth below. They have been transmitted to the Joint Inspection Unit for information and are also presented for the information of the General Assembly.

4. These observations deal with: (a) the budgetary difficulties encountered by the Court, as highlighted in the report for the attention of the General Assembly, and (b) the organization and internal functioning of the Registry.

II. The workload of the Court and the resources available to it

5. The Joint Inspection Unit pointed out that the Court's workload has grown significantly in recent years as a result of the increase in the number of cases as well as their increasingly voluminous nature. It also observed that, over the same period, the budgetary restrictions applied throughout the United Nations have had an unfavourable effect on the Court's resources in human and financial terms. Thus, after taking note of the resolutions adopted by the General Assembly when the budget for the 2000-2001 biennium was approved, the Joint Inspection Unit recommends that the Court present increased budgetary requests for the period 2000-2003.

6. The Court is in full agreement with the Joint Inspection Unit's analysis of the situation concerning its workload and the resources available to it. Furthermore, since November 1999, this situation has continued to deteriorate and the President of the Court, in his address to the General Assembly on 26 October 2000, drew its attention to the need to resolve the matter rapidly (A/55/PV.41, pp. 5-6). The Court subsequently presented a request for an additional budget for 2000-2001, limited to the requirements to be addressed as a matter of urgency (see A/C.5/55/21). The General Assembly has approved this budget (resolution 55/238, sect. V, para. 1). The Court is currently preparing its proposals for the 2002-2003 budget, which will necessarily be more extensive.

7. In its recommendations the Joint Inspection Unit deals in particular with the assistance to be provided for the judges by appointing law clerks (recommendation 1), increased staff resources for the Department of Linguistic Matters (recommendation 5) and the appointment of an administrative/personnel officer (recommendation 7).

8. With regard to the first point, the Joint Inspection Unit stresses that, unlike the judges of other international tribunals and some national supreme

courts, the members of the Court do not have any law clerks or interns at their disposal and have only limited personal assistance with regard to legal matters. It suggests that the Court should include in its budget for the period 2002-2003 three junior-level law clerk or research assistant posts, to constitute within the Department of Legal Matters a pool, the members of which would be responsible for carrying out research at the request of individual judges.

9. The Court, like the Joint Inspection Unit, is of the view that its members now need individual legal assistance. This is attributable to the increasing number of cases, especially as some of them (particularly those concerning territorial disputes) are extremely voluminous (7,600 pages in a case currently being dealt with, as noted in paragraph 15 of the report). Research concerning matters of doctrine and jurisprudence has also become increasingly laborious in view of the development of international law and the proliferation of international tribunals. The provision of assistance to the judges in these areas would enable a significant improvement in the output of the Court, given the time-consuming nature of the research tasks involved. The Court therefore fully endorses the Joint Inspection Unit's recommendation that provision for the law clerk or research assistant posts, possibly at the P-2 level, should be included in the budget.

10. However, the Court is of the opinion that to limit such recruitment to three assistants would not enable the desired objective to be attained. In all international or national courts where judges have legal assistance available, each judge has at least one law clerk with whom he or she can establish a trustworthy personal relationship. A day-to-day relationship of this kind is essential to enable the judges to work more quickly, by concentrating on their specific tasks of reflection and judgement, and will partly determine whether the reforms to be undertaken are successful.

11. Thus the Court is considering proposing to the General Assembly that provision be made in the next budget for 15 law clerks at the P-2 level.

12. With regard to the need for increased staff resources in the Department of Linguistic Matters, the Joint Inspection Unit recommends that the Court propose that at least four new translator posts be created (para. 55) and stresses the need for the Head of the Department to have an administrative assistant (para. 57).

13. At the regular session of the General Assembly, in 2000, the Court submitted to the Assembly detailed proposals concerning its requirements in this area. After examining the Court's additional budget for the financial year 2000/01, the Assembly created 12 new translator posts (9 P-3 and 3 P-4). It also increased the appropriation for temporary assistance by $117,400 and agreed to the creation of two administrative assistant posts (including one G-4 post to assist the Head of the Department of Linguistic Matters) (see A/C.5/55/21).

14. The Court is grateful to the General Assembly for these decisions, which will enable it to make progress in translating the case files submitted to it. When the 2002-2003 budget is examined, it will be sure to take stock of the results achieved.

15. Finally, the Joint Inspection Unit recommends that the Court examine, as a matter of priority, the possibility of having within the Registry an official responsible for administrative and personnel matters to assist the Registrar and the judges in such matters (para. 89).

16. The Court endorses the conclusions arrived at by the Joint Inspection Unit on this point and will be making a proposal to that effect in its next budgetary request.

III. The organization and functioning of the Registry

17. In its report, which was drafted in November 1999, the Joint Inspection Unit notes that at the time a "malaise" was perceptible within the Registry, although this "malaise" had not prevented the Registry from carrying out its duties in the service of the Court (Conclusions, para. D). The source of this "malaise", according to the inspectors, lay at least partially in "interpersonal relations", while it apparently also had some institutional roots, according to the report (para. 39).

18. The Court believes that to undertake an examination of the first set of causes referred to would serve no useful purpose. It will therefore confine itself to observing that at the present time the relations between the Registrar and the Deputy Registrar are characterized by an effective cooperation and are not encumbered by any difficulties.

19. The Court also carefully examined the observations made by the Joint Inspection Unit concerning the organization and functioning of the Registry.

20. As the Joint Inspection Unit notes, the Court, in February 1996, had decided to re-examine the Registry's working methods and had established a Subcommittee on Rationalization, the conclusions of which were approved by the Court in December 1997 (para. 31). The reorganization thus decided upon was implemented immediately and the Joint Inspection Unit was pleased about this. However, it was concerned by the fact that certain decisions in relation to the internal functioning of the Registry had apparently not been followed up (para. 33).

21. With regard to these observations the Court is able to state that at present all the decisions taken in December 1997 have been implemented, as the Court's Budgetary and Administrative Committee has formally noted. In particular, the Court receives a statement of the accounts every four months and the Registrar holds regular meetings, at least once a month, in which the Deputy Registrar and heads of department and division together take part. The Registrar has also been in regular contact with the Staff Committee, which, after being dormant for years, was revived in December 1999. The President of the Court himself has, since taking up office, addressed the whole staff twice. Recommendation 2 of the report has consequently already been applied.

22. In recommendation 3, the Joint Inspection Unit suggests that the Court should examine whether it would not be desirable to amend the Rules of Court with a view to reducing the Registrar's term of office from seven to three years, renewable. In support of that suggestion, the report contends that it would make it possible to limit the damage that might result for the Court if the choice of incumbent proves to be an unfortunate one.

23. The Court carefully examined this suggestion, which relates to its right as enshrined in Article 21 of its Statute. Although the suggestion is not without its merits, the Court felt that it was unable to endorse it. As noted in the report, the Registrar performs numerous, varied and sensitive functions (para. 42). It is not easy to find a candidate with the many qualities required to perform these functions. The search for such a candidate would be made even more difficult if the term of office were to be shortened. Furthermore, the length of the term of office is justified historically by the need to guarantee the independence of the incumbent (which is why equivalent terms of office are traditional in most international courts).

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25. The Court has found that in the past, relations between the Registrar and the Deputy Registrar have not always been entirely satisfactory. It therefore shares the Joint Inspection Unit's view that the Registrar should be consulted by the Court before the Deputy Registrar is chosen. However, it believes that such prior consultation could be undertaken on behalf of the Court by its President, which would obviate the need to amend the text of the Rules of Court. The Court proceeded in this manner when the Deputy Registrar was re-elected in February 2001.

26. Lastly, in its recommendation 6 the Joint Inspection Unit suggests that the Court should improve its personnel management practices and procedures by aligning them in various respects with those applicable in the United Nations Secretariat.

27. As the Joint Inspection Unit itself points out, the Court is independent administratively and the Registry is not part of the United Nations Secretariat. The Court examined each of the specific recommendations put before it. It noted first of all that some of the recommendations had already been implemented (points (a), (b) and (e)) and that others did not appear to address fully those problems arising in the Registry. Thus the introduction of a performance appraisal system as it exists in the Secretariat (point (c)) has not so far seemed appropriate, in view of the small size of the Registry. Similarly, compensation for overtime (point (g)) could not be undertaken in the same way as in the United Nations Secretariat, as the Registry staff is too small for rotation to be organized; however, certain measures have already been taken, particularly in the departments where a considerable amount of overtime was assigned. Furthermore, specific measures are about to be adopted, in coordination with other organizations based in The Hague, for the administration of sick leave (point (h)). In exercising

its administrative independence, the Court will examine, in connection with the forthcoming publication of a revised and updated version of the Staff Regulations for the Registry, what provisions that have recently entered into force at the Secretariat will be made applicable to the Registry (point (i)). With regard to points (d) and (e), the Court would point out that there is a job description for Registry posts but that those descriptions in some cases no longer correspond to the new conditions under which the Court now functions; this problem is being dealt with as and when vacancies arise or posts are reclassified and the job descriptions in question are updated. Finally, the Court will shortly be examining the measures that should be taken to improve the information available to staff concerning the remedies that may be available in case of harassment (point (f)). The appointment of a Personnel Officer, as suggested by the Joint Inspection Unit, would facilitate the implementation of several of the above-mentioned recommendations.

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IV. Conclusion

30. On the whole the Court accepts the greater part of the Joint Inspection Unit's analysis concerning the increase in its workload and the inadequacy of the resources available to it. It will make full proposals on these matters to the General Assembly in connection with the budget for 2002-2003.

31. On the other hand, after close consideration of the Joint Inspection Unit's suggestions, the Court has not seen fit to adopt those which relate to shortening the terms of office of the Registrar and the Deputy Registrar. The Court does agree with the Joint Inspection Unit, however, that the Registrar should be consulted before it moves to its choice of Deputy Registrar.

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Annex II

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2. The Secretary-General has the following comments on those issues in the report that relate to budgetary matters.

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3. The Secretary-General would draw the attention of the General Assembly to the recommendation concerning the establishment of three junior-level law clerks to assist the judges and awaits the guidance of the General Assembly as to its wishes in this regard.

Increased staff resources for translation (paras. 54-57)

4. The Secretary-General notes that prior to the issuance of the report, action had been taken to provide additional resources for the Court. Pursuant to General Assembly resolution 54/249 of 23 December 1999, by which the Assembly noted with concern that the resources proposed for the Court for the biennium 2000-2001 were not proportionate with the workload envisaged for that biennium, the Secretary-General submitted revised estimates reflecting the unexpected increase in the Court's caseload (see A/C.5/55/21). On the basis of the increased workload statistics for the translation of pleadings, verbatim records of hearings, judges' notes, decisions and opinions, the Secretary-General proposed an increase in the number of translators, related administrative and secretarial support as well as temporary assistance for meetings. The Secretary-General also proposed, in the context of the revised estimates, additional support for the Press and Information Services.

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6. The Secretary-General takes note of the recommendation on the establishment of a post to assist the Registrar in personnel management. Such a post has been included in the proposed programme budget for the biennium 2002-2003.